

MICHAEL D. BRUNO
MBRUNO@GRSM.COM

RACHEL WINTTERLE
RWINTTERLE@GRSM.COM

GORDON & REES
SCULLY MANSUKHANI

ATTORNEYS AT LAW
275 BATTERY STREET, SUITE 2000
SAN FRANCISCO, CA 94111
PHONE: (415) 986-5900
FAX: (415) 986-8054
WWW.GORDONREES.COM

September 22, 2023

Magistrate Judge Laurel Beeler
San Francisco Courthouse
Courtroom B – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Jordan Spatz, M.D., Ph.D. vs. The Regents of the University of California*
United States Districts Court for the Northern District of California
Case No. 3:21-CV-09605-LB

Judge Beeler,

We represent The Regents of the University of California (“The Regents”) in the above-named matter. We write with an update regarding the depositions of Dr. Lucey, Dr. Aghi, and Dr. Morshed, as well as a request to further modify the scheduling order. Counsel for The Regents met and conferred with counsel for Dr. Spatz and the parties agree upon the proposed modified schedule.

Because of Mr. Bruno’s trial schedule, the parties set Dr. Aghi’s deposition for December 18 and Dr. Lucey’s deposition for December 19. We will be representing Dr. Morshed, a non-party, at his deposition. He is currently on family leave. We will have a better sense of Dr. Morshed’s availability in October, but it is most likely his deposition will take place in December or early January.

The Court’s August 24 Discovery Order provided that the Court understood the dispositive motion deadline likely needed to be moved. As these depositions will take place after the December 14, 2023 deadline to hear dispositive motions, the deadline indeed will need to be moved as the Court anticipated.

In light of the above, many crucial deadlines in the current schedule will expire *before* the completion of these three depositions. These depositions will impact not only any dispositive motion but also expert witness selection and retention.

September 22, 2023

Page 2

The Court set the current schedule at the same time the Court granted Plaintiff leave to take these three depositions. Additionally, the length of the trial Mr. Bruno is starting on October 6 (at least 40 days, though likely longer) is having a ripple effect of continuing other trials he has on calendar.

Therefore, having met and conferred, the parties respectfully request a further modification to the scheduling order, including a new trial date, as follows.¹

Event	Date	Proposed New Date
Expert disclosures due	10/13/2023	February 15, 2024
Rebuttal experts	10/31/2023	February 29, 2024
Expert discovery due	10/31/2023	March 15, 2024
Last hearing date for dispositive motions and/or further case management conference	12/14/2023	April 25, 2024
Meet and confer re pretrial filings	12/20/2023	April 30, 2024
Pretrial filings	1/8/2024	May 10, 2024
Oppositions, objections, exhibits, and depo designations	1/15/2024	May 17, 2024
Final Pretrial Conference	2/1/2024	May 30, 2024
Trial	3/11/2024	June 17, 2024

We appreciate the Court's time and attention to this matter.

Very truly yours,

GORDON REES SCULLY MANSUKHANI, LLP



Michael D. Bruno

Rachel Wintterle

RW/jv

¹ Note: The proposed schedule is an effort to work around Mr. Bruno's trial schedule and seeks only a limited continuance. Mr. Bruno has trials on 1/8/24, 2/5/24, 3/4/24, 3/18/24, 3/25/24, 4/8/24 and counsel for The Regents will be unavailable 7/1-5, 11-19/24.